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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,576	03/01/2002	Richard P. Mangold	884.622US1	3907

7590 06/19/2007  
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EXAMINER
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DADA, BEEMNET W

ART UNIT	PAPER NUMBER
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2135

MAIL DATE	DELIVERY MODE
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06/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/087,576

Applicant(s)

MANGOLD ET AL.

Examiner

Beemnet W. Dada

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

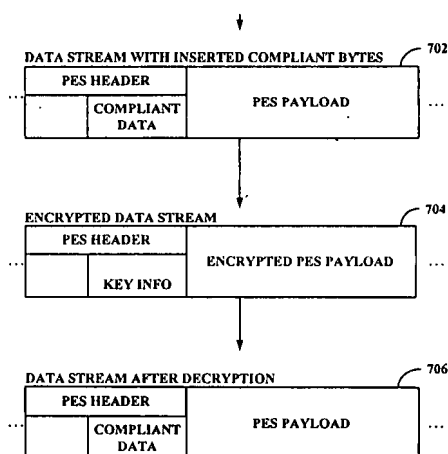
1. This office action is in reply to an amendment filed on April 02, 2007. Claims 1-25 are pending.

***Response to Arguments***

2. Applicant's arguments filed 04/02/07 have been fully considered but they are not persuasive.

3. With respect to claims 1, 5, 11, 20 and 25, applicant argued that the art on record (Blatter et al. US 5,878,135) fails to teach placing/retrieving non-compliant data near the synchronization point. Applicant argued that, Blatter only teaches placing/retrieving non-compliant data in the synchronization point and not near the synchronization point. Examiner disagrees.

4. It is understood by the examiner in view of the specification/drawing of the present application that, placing/retrieving non-compliant data near the synchronization point implies placing/retrieving non-complaint data (i.e., encryption key) near (i.e., next to, within or under) the synchronization point (i.e., header / PES header). Examiner cites specification page 4, paragraphs 0008-0009, **"An example of synchronization point is a PES header. ... the non-compliant data is key information that is used in decrypting. ...the key information that was used to encrypt the content is in the PES header so that when the computer discarded data up until the next PES header, the key information needed to decrypt the current picture is in the current PES header."** [page 5, paragraphs 0008-0009]. Examiner further cites figure 7 of the present application:



5. Figure 7 of the application shows, how non-complaint data is placed near the synchronization point in the data stream [figure 7]. Therefore, Examiner would point out that the key information that is retrieved/placed in the header of Blatter meets the claim limitation retrieving/placing Non-complaint data near the synchronization point.

6. With respect to claim 8, applicant argued that the art on record fails to teach an authoring device to use key information to encrypt a portion of a data stream. Examiner disagrees.

7. Examiner would point out that, Blatter teaches an authoring device to use key information to encrypt a portion of a data stream (i.e., encryption of packets, portions of packets, or keys etc ...) [column 8, line 67-column 9, line 10], and a consumption device in communication with the authoring device, the consumption device to use the key information to decrypt the portion of the data stream and to replace the key information with compliant data [column 10, lines 1-7, 19-47 and column 13, lines 29-50].

8. With respect to claim 14, Applicant argues that, Blatter fails to teach selectively inserting complaint data into the second data stream after the PES header, to hold key information associated with PES header. Examiner disagrees.

9. Examiner would point out that, Blatter teaches the system, including selectively inserting complaint data into the second data stream after the PES header, to hold key information

Art Unit: 2135

associated with the PES header (i.e., inserting encryption keys near header in the data stream packets and substituting the encryption codes with null data (i.e., complaint data), column 10, lines 19-30). Examiner would point out that the art on record teaches the claim limitations and therefore the rejection is respectfully maintained.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Blatter et al US 5,878,135 (hereinafter Blatter).

12. As per claim 1, Blatter teaches a method, comprising:

parsing a data stream to find a predefined synchronization point within the data stream (i.e., parsing packet data to find a **header**) [column 10, lines 17-30 and column 5, lines 47-50];  
and

placing non-compliant data near the synchronization point in the data stream (i.e., inserting encryption codes near the header in the data stream) [column 5, lines 47-50 and column 10, lines 17-30]; wherein the data stream is decodable by a compliant decoder, after the non-compliant data is replaced with compliant data (i.e., after the encryption codes have been substituted with MPEG compatible data) [column 10, lines 1-7, 19-47].

13. As per claim 5, Blatter teaches a method, comprising:

receiving a portion of a data stream and parsing the portion of the data stream to find a synchronization point within the data stream (i.e., parsing received data stream packet data to find a **header**) [column 10, lines 17-30 and column 5, lines 47-50];

retrieving non-compliant data near the synchronization point (i.e., retrieving encryption codes near the header) [column 10, lines 19-47]; and

replacing non-complaint data in the data stream (i.e., substituting encryption codes with MPEG compatible data) [column 10, lines 1-7, 19-47].

decrypting the portion of the data stream [column 13, lines 29-50].

14. As per claim 8, Blatter teaches a system, comprising:

an authoring device to use key information to encrypt a portion of a data stream [column 8, line 67-column 9, line 10]; and

a consumption device in communication with the authoring device, the consumption device to use the key information to decrypt the portion of the data stream and to replace the key information with compliant data [column 10, lines 1-7, 19-47 and column 13, lines 29-50].

15. As per claim 11, Blatter teaches a system, comprising:

an authoring device to create a data stream [column 2, lines 49-53];

an encryption tool to embed key information near each synchronization point in the data stream and to encrypt a portion of the data stream associated with each synchronization point [column 5, lines 47-50 and column 10, lines 17-30]; and

a consumption device to retrieve key information near each synchronization point in the data stream and to replace the key information with compliant data and to use the key

Art Unit: 2135

information to decrypt the data stream [column 10, lines 1-7, 19-47 and column 13, lines 29-50].

16. As per claim 14, Blatter teaches a machine-accessible medium having associated content capable of directing the machine to perform a method, the method comprising:

parsing a first data stream to find a packetized elementary stream (PES) header, the PES header associated with at least some payload data (i.e., parsing received data stream packet data to find a **header**) [column 10, lines 17-30 and column 5, lines 47-50];

copying the first data stream to a second data stream [column 12, line 60-column 13, line 21]; and

selectively inserting compliant data into the second data stream after the PES header, to hold key information associated with the PES header [column 10, lines 1-7, 19-47].

17. As per claims 20 and 25, Blatter teaches a method/ machine readable medium, comprising transmitting a data structure to a consumption device, the data structure including

a header [column 10, lines 1-5];

key information separate from and associated with the header for use in decryption [column 10, lines 8-31]; and

a payload associated with the header, the payload capable of being encrypted using the key information [column 5, lines 47-50 and column 10, lines 17-30].

18. As per claims 2-4, 6, 7 and 21-24, Blatter further teaches the method further comprising encrypting/decrypting a portion of the data stream and transmitting the portion of the data

Art Unit: 2135

stream and wherein the non-compliant data is key information that is used in encrypting and decrypting [column 8, line 67-column 9, line 10].

19. As per claim 9, 10, 12 and 13, Blatter further teaches the method further comprising a decoding device in communication with the consumption device to decode the portion of the data stream and wherein the consumption device is configured to retrieve the key information from the portion of the data stream [column 13, lines 25-57].

20. As per claims 15-19, Blatter further teaches the medium wherein the method further comprising parsing a data stream to find a predefined synchronization point within the data stream (i.e., parsing packet data to find a **header**) [column 10, lines 17-30 and column 5, lines 47-50]; and placing key information near the synchronization point in the data stream (i.e., inserting encryption codes near the header in the data stream) [column 5, lines 47-50 and column 10, lines 17-30]; wherein the data stream is decodable by a compliant decoder, after the key information is replaced with compliant data (i.e., after the encryption codes have been substituted with MPEG compatible data) [column 10, lines 1-7, 19-47].

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period



Art Unit: 2135

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

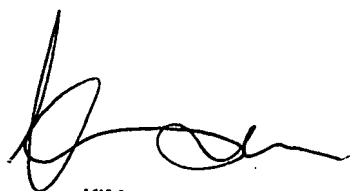
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Beemnet W Dada

June 8, 2007



**KIM VU**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**